

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Treasuries and Accounts Department – Disciplinary action against Sri S.Venkataswamy, AAO O/o Deputy Director, Social Welfare, Nalgonda for disobedience of the orders of Director of Treasuries and Accounts for not joining the post of AAO, SSA, Krishna District - Imposition of a punishment of stoppage of one increment with cumulative effect and also affect on pension by the Director of Treasuries and Accounts - Appeal petition of Sri S.Venkataswamy, AAO O/o Deputy Director, Social Welfare, Nalgonda – Modification of punishment to that of stoppage of one increment without cumulative effect – Orders – Issued.

FINANCE (ADMN.I.VIG.) DEPARTMENT

G.O.Rt.No. 195

Dated: 22-01-2010.

Read the following:

1. DTA Proceedings No. K(I)4/15053/06, dt. 24-6-2009.
2. Appeal Petition dt. 27-07-2009 of Sri S.Venkataswamy, AAO O/o Deputy Director, Social Welfare, Nalgonda.
3. Govt. Memo.No.1945/326/A2/Admn.I/2009, dt. 01-08-2009.
4. DTA Lr.No. K(I)4/15053/06, dt. 30-10-2009

In the reference 1st read above the Director of Treasuries and Accounts has imposed a punishment of stoppage of one increment with cumulative and also affect on pension against Sri S.Venkataswamy, AAO O/o Dy. Director, Social Welfare, Nalgonda on the charge that in furtherance of his interest to get him posted at Hyderabad has resorted to irregular acts by getting him self surrendered to the parent department, not obeying the alternate posting orders dated:10-08-2006 and bringing undue influence on the Appointing Authority.

2. Aggrieved with the above orders of the Director of Treasuries and Accounts, the individual has filed an appeal petition under Rule 34 (1) (11) of A.P. Civil Services (CC&A) Rules,1991 vide reference 2nd read above. In his appeal petition Sri S.Venkataswamy, AAO O/o Dy.Director, Social Welfare, Nalgonda, has stated that though the enquiry officer found charge not proved, the disciplinary authority have imposed a major punishment of stoppage of one increment without cumulative effect in deviation of the findings of the enquiry officer and without considering his representation.

3. Government have examined the appeal petition of Sri S.Venkataswamy, AAO O/o Dy. Director, Social Welfare, Nalgonda in detail with reference material on record and observed that the DTA being the disciplinary authority has differed with the findings of inquiring authority in this case. He found that the charged officer with an intention to get transfer from Tenali has resorted to irregular attendance and requested the department to surrender him to his parent department. The view of the Inquiring authority that the Charged Officer was surrendered for his irregular attendance and not for his request for his surrendered is not agreeable 'because his acts of irregular attendance as well as his request for surrender can not be looked into separately. The individual's failure to honour the orders of the Director of Treasuries and Accounts and seeking alternate posting is also an act of misconduct. The view of Inquiring Authority that it would have been misconduct on the part of Charged Officer only when the authority has not acted on his representation dt.23.-08-2006 for issuing a new posting is not agreeable. Mere considering his representation can not be taken as condonation of acts of misconduct exhibited by the Charged Officer in his effort to get posted back at Hyderabad adopting various methods. Thus, the charge framed against the charged officer is proved.

4. Government after careful considering the totality of the circumstances, view that, the appellant cannot be termed as “blameless” and every employee cannot always be given a posting of his choice in view of administrative constraints and it would be sufficient to impose a punishment of stoppage of one annual increment without cumulative effect. Therefore, it is felt that the punishment imposed by the DTA ie. **Stoppage of one annual increment with cumulative effect** which is a major punishment is excessive. The punishment of stoppage of one annual increment without cumulative effect is sufficient for the lapse of the appellant in this case.

5. Accordingly, Government hereby modify the punishment imposed by the DTA ie. **Stoppage of one annual increment with cumulative effect** on Sri S.Venkataswamy, AAO O/o Dy. Director, Social Welfare, Nalgonda to that of **stoppage of one annual increment without cumulative effect** considering his appeal petition.

6. The Director of Treasuries and Accounts, Hyderabad shall take necessary further action in the matter accordingly.

7. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM
PRL. SECRETARY TO GOVERNMENT (FP)

To
The individual through the Director of Treasuries & Accounts, A.P., Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.

::FORWARDED BY ORDER::

SECTION OFFICER